

APPEAL

United States District Court
District of Puerto Rico (San Juan)
CIVIL DOCKET FOR CASE #: 3:02-cv-01908-SEC

ADDENDUM "A"

PR Telephone Co., et al v. Advanced Cellular Sy, et al

Assigned to: Salvador E Casellas

Demand: \$0

Cause: 28:0158 Notice of Appeal re Bankruptcy Matter (BA

Date Filed: 06/13/2002

Jury Demand: None

Nature of Suit: 422 Bankruptcy Appeal
(801)

Jurisdiction: Federal Question

Appellant

Puerto Rico Telephone Company
and Celulares Telfonica, Inc. (PRTC-CT)

represented by **Ricardo F. Casellas**
Fiddler, Gonzalez & Rodriguez
PO Box 363507
San Juan, PR 00936-3507
787-759-3187
Fax: 787-759-3109
Email: rcasella@fgrlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Appellant

Celulares Telefonica de Puerto Rico

represented by **Ricardo F. Casellas**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Appellee

Advanced Cellular Systems

represented by **Carmen D. Conde-Torres**
C. Conde & Associates
254 San Jose Street
Suite 5
San Juan, PR 00901
787-729-2900
Fax: 787-729-2203
Email: condecarmen@microjuris.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Appellee

Advanced Paging Systems Corp.

represented by **Carmen D. Conde-Torres**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

US Trustee

represented by **Nancy Pujals**

U. S. Trustee Office

Ochoa Bldg. Suite 301

500 Tanca St.

San Juan, PR 00901-1922

787-729-7444 x231

Fax: 787-729-7449

Email: nancy.pujals@usdoj.gov

LEAD ATTORNEY**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/13/2002	<u>1</u>	TRANSMITTAL OF RECORD ON APPEAL and Bankruptcy Record received with certified copy of Docket Sheet. (ov) (Entered: 06/21/2002)
06/21/2002	<u>2</u>	NOTICE of docketing bankruptcy record on appeal. Appellant's brief due 7/8/02 for Celulares Telefonica, for The P.R. Telephone (ov) (Entered: 06/21/2002)
06/21/2002	<u>3</u>	AMENDED TRANSMITTAL OF RECORD ON APPEAL and Bankruptcy Record received with certified copy of Docket Sheet. (ov) (Entered: 06/24/2002)
06/21/2002	<u>4</u>	MOTION by PR Telephone Co. to Extend Time sine die, the limits of FRBP, Rule 8009 until trial transcript has been prepared and received by appellants (ov) (Entered: 06/24/2002)
06/26/2002	<u>5</u>	ORDER granting [4-1] motion to Extend Time sine die, the limits of FRBP, Rule 8009 until trial transcript has been prepared and received by appellants. Appellants shall inform the ct. (signed by Judge Salvador E. Casellas) (ov) (Entered: 06/26/2002)
10/21/2002	<u>6</u>	MOTION by Advanced Cellular Sy to Dismiss appeal Response due 11/4/02 . (ov) (Entered: 10/24/2002)
10/29/2002	<u>7</u>	ORDER set Notice of Compliance deadline to 11/15/02 for appellants to show cause why this appeal should not be dismissed (signed by Judge Salvador E. Casellas) (ov) (Entered: 10/29/2002)
10/31/2002	<u>8</u>	RESPONSE by PR Telephone Co., Celulares Telefonica in opposition to [6-1] motion to Dismiss appeal by Advanced Cellular Systems, Inc. and in compliance w/OSC. (ov) (Entered: 11/01/2002)
11/20/2002	<u>9</u>	INFORMATIVE MOTION by PR Telephone Co. re: trial transcript and to Extend Time for 30 days to file brief on appeal (ov) (Entered: 11/21/2002)
11/21/2002	<u>10</u>	REPLY by Advanced Cellular Sy to response to [6-1] motion to Dismiss appeal by Advanced Cellular Sy (ov) (Entered: 11/22/2002)

11/21/2002	10	Informative Motion by Advanced Cellular Sy re: in compliance w/OSC. (ov) (Entered: 11/22/2002)
11/26/2002	12	MOTION by PR Telephone Co., Celulares Telefonica for Leave to File Response Memorandum w/Appellant's response to appellee's reply to opposition to motion to dismiss tendered (cm) (Entered: 12/02/2002)
11/26/2002	<u>11</u>	ORDER granting [9-1] motion to Extend Time for 30 days to file brief on appeal reset Appellant's Brief deadline to 12/18/02 for PR Telephone Co. (signed by Judge Salvador E. Casellas) (cm) (Entered: 12/04/2002)
12/18/2002	13	Appellant's BRIEF by PR Telephone Co. . Appellee's brief due 1/2/03 for Advanced Paging Syst, for Advanced Cellular Sy (ov) (Entered: 12/19/2002)
12/19/2002	14	MOTION by PR Telephone Co., Celulares Telefonica for Leave to File amended table of authorities , w/attachs. (ov) (Entered: 12/20/2002)
12/23/2002	15	MOTION by Advanced Cellular Sy, Advanced Paging Syst to Extend Time until 2/15/03 to file brief on appeal (ov) (Entered: 12/26/2002)
01/03/2003	16	RESPONSE by PR Telephone Co., Advanced Cellular Sy in opposition to [15-1] motion to Extend Time until 2/15/03 to file brief on appeal by Advanced Paging Syst, Advanced Cellular Sy (ov) (Entered: 01/08/2003)
01/15/2003	17	REPLY by Advanced Cellular Sy, Advanced Paging Syst to response to [9-1] motion to Extend Time for 30 days to file brief on appeal by PR Telephone Co. (ov) (Entered: 01/16/2003)
02/14/2003	18	Appellee's BRIEF by Advanced Cellular Sy, Advanced Paging Syst . (ov) (Entered: 02/18/2003)
02/24/2003	19	MOTION by Celulares Telefonica, Advanced Cellular Sy to Extend Time until 3/11/03 to file Reply to Appellee's Brief on Appeal (ja) (Entered: 02/28/2003)
03/11/2003	20	RESPONSE by PR Telephone Co., Celulares Telefonica in opposition to [18-1] appellee's brief by Advanced Paging Syst, Advanced Cellular Sy (cm) (Entered: 03/12/2003)
04/29/2003	21	MOTION by Advanced Cellular Sy, Advanced Paging Syst for Leave to File Sur-Reply to PRTC's opposition to ACS' Brief (cm) (Entered: 05/05/2003)
05/01/2003	22	RESPONSE by PR Telephone Co., Celulares Telefonica in opposition to [21-1] motion for Leave to File Sur-Reply to PRTC's opposition to ACS' Brief by Advanced Paging Syst, Advanced Cellular Sy (cm) (Entered: 05/09/2003)
05/09/2003	<u>23</u>	ORDER granting [12-1] motion for Leave to File Response Memorandum, granting [14-1] motion for Leave to File amended table of authorities (signed by Judge Salvador E. Casellas) (cm) (Entered: 05/09/2003)
05/09/2003	<u>23</u>	ORDER granting [21-1] motion for Leave to File Sur-Reply to PRTC's

		opposition to ACS' Brief, mootng [19-1] motion to Extend Time until 3/11/03 to file Reply to Appellee's Brief on Appeal, mootng [15-1] motion to Extend Time until 2/15/03 to file brief on appeal (signed by Judge Salvador E. Casellas) (cm) (Entered: 05/09/2003)
05/09/2003	24	REPLY by Advanced Cellular Sy, Advanced Paging Syst to response to [6-1] motion to Dismiss appeal by Advanced Cellular Sy (cm) (Entered: 05/09/2003)
09/29/2003	25	ORDER denying [6-1] motion to Dismiss appeal (signed by Judge Salvador E. Casellas) (cm) (Entered: 09/29/2003)
10/31/2003	26	Informative Motion by Advanced Cellular Sy re: atty's change of address. (ov) (Entered: 11/06/2003)
11/06/2003	27	Informative Motion by Advanced Cellular Sy re: atty's change of address. (ov) (Entered: 11/10/2003)
01/09/2006	28	OPINION AND ORDER .Signed by Judge Salvador E Casellas on 1/09/06. (gl) (Entered: 01/09/2006)
01/09/2006	29	JUDGMENT .Signed by Judge Salvador E Casellas on 1/9/06. (gl) (Entered: 01/09/2006)
01/23/2006	30	NOTICE OF APPEAL as to 28 Opinion and Order, 29 Judgment by Puerto Rico Telephone Company, Celulares Telefonica de Puerto Rico. Appeal Record due by 2/6/2006. (Casellas, Ricardo) (Entered: 01/23/2006)
01/23/2006		USCA Appeal Fees received \$ 255.00 receipt number 160623 re 30 Notice of Appeal filed by Puerto Rico Telephone Company,, Celulares Telefonica de Puerto Rico, (ne,) (Entered: 01/23/2006)
02/16/2006	31	Certified and Transmitted Record on Appeal to US Court of Appeals re 30 Notice of Appeal [Dkts. 1-30; Appendix to #13,(Vols. 1-III)] (xi,) (Entered: 02/16/2006)
05/23/2006	32	USCA Case Number 06-1332 for 30 Notice of Appeal filed by Puerto Rico Telephone Company, Celulares Telefonica de Puerto Rico,. (xi,) (Entered: 05/23/2006)

PACER Service Center			
Transaction Receipt			
07/27/2006 10:57:22			
PACER Login:	fg0020	Client Code:	rfc 3975-001
Description:	Docket Report	Search Criteria:	3:02-cv-01908-SEC
Billable Pages:	3	Cost:	0.24

PreREFORM

**U.S. Bankruptcy Court
District of Puerto Rico (Old San Juan)
Bankruptcy Petition #: 98-07437-ESL11**

ADDENDUM "B"

Assigned to: Bankruptcy Judge ENRIQUE S.
LAMOUTTE INCLAN
Chapter 11
Previous chapter 11
Voluntary
Asset

Date Filed: 05/29/1998

**ADVANCED CELLULAR
SYSTEMS, INC.**
PO BOX 70338
SAN JUAN, PR 00936-8338
Tax id: 66-0427501
Debtor

represented by **CARMEN D CONDE TORRES**
254 SAN JOSE STREET
5TH FLOOR
SAN JUAN, PR 00901-1523
787-729-2900
Fax : 787-729-2203
Email: notices@condelaw.com

JAIRO MELLADO VILLARREAL
MELLADO & MELLADO-VILLARREAL
165 PONCE DE LEON AVE STE 202
SAN JUAN, PR 00917-1233
Email: jmellado@mellado.com

MONSITA LECAROSZ ARRIBAS
OFFICE OF THE US TRUSTEE
(UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901
U.S. Trustee

Filing Date	#	Docket Text
05/29/1998	<u>1</u>	<p>VOLUNTARY petition under chapter 11 [Entered: 05/29/98], [MGR]</p> <p>ORDER TO DEBTOR IN POSSESSION. cc: debtor, debtor's atty, UST [Entered: 05/29/98], [MGR]</p> <p>LIST of Creditors [Entered: 06/04/98], [MMH]</p> <p>ATTORNEY Statement of Compensation \$5,000.00 [Entered: 06/04/98], [MMH]</p> <p>CORPORATE resolution [Entered: 06/04/98], [MMH]</p> <p>LIST of Creditors Holding 20 Largest Unsecured Claims , [MMH],</p>

		<p>decided to hear the matter. The court will only determine whether or not the claim should be allowed and in what amount. The court indicated that the parties failure to comply with the established timetable has impaired the court's ability to hold an evidentiary hearing in a way that will allow the court to make a determination after the presentation of the evidence. The charts submitted by debtors are late and should not be admitted but they are necessary for the court to make a more precise assessment. The court ordered debtor to make available to PRTC all the charts, compilations, and supporting documents on or before June 14, 2001. PRTC was granted 30 days to review the documents and to submit counter charts. Both parties were granted until August 13, 2001 to file a pretrial report with proposed findings and conclusions of law making reference to any exhibit, and all the exhibits and objections thereto. The trial was continued to November 13, 14, 15 & 16, 2001. The court will not consider as part of the contested matter of debtor's objection to claim any affirmative request for money damages that should be brought as an adversary proceeding or as part of the civil action pending before the District Court. cc: C.Conde, Ricardo Casellas, Fernando Van Derdy's, debtor, UST, f/up, [CHG], ORIGINAL NIBS DOCKET ENTRY #306 (Entered: 06/20/2001)</p>
06/07/2001	<u>308</u>	<p>CERTIFICATE of service Re: Item # 302, [VAP], ORIGINAL NIBS DOCKET ENTRY #305 (Entered: 06/07/2001)</p>
06/14/2001	<u>310</u>	<p>MOTION filed by debtor requesting leave to sur-reply PRTC's motion requesting the preclusion of testimony Re: Item # 307 [Entered: 06/20/01], [CHG] ORDER dated 07/11/01: Granted. cc: debtor, C. Conde, F. Van Derdys, UST Re: Item # 310, [CRL], ORIGINAL NIBS DOCKET ENTRY #307 (Entered: 07/12/2001)</p>
06/14/2001	<u>311</u>	<p>Noted. [Entered: 07/12/01], [CRL] REPLY filed by debtor to PRTC's motion for relief and tendering PRTC/CT's pretrial report Re: Item # 307, [CHG], ORIGINAL NIBS DOCKET ENTRY #308 (Entered: 06/20/2001)</p>
06/14/2001	<u>312</u>	<p>REPLY filed by debtor to PRTC's motion in response to preclusion of expert witness [Carlos Baralt] Re: Item # 297 [Entered: 06/20/01], [CHG] ORDER dated 07/11/01: PRTC shall file within 15 days a detailed proffer of Mr. C. Barralt's testimony. cc: debtor, C. Conde, F. Van Derdys, f/up, [CRL], ORIGINAL NIBS DOCKET ENTRY #309 (Entered: 07/12/2001)</p>
06/14/2001	<u>313</u>	<p>ORDER dated 07/11/01: Debtor's request to deny PRTC's request to preclude evidence is denied as moot. The court so ruled at the June 4th, 2001 hearing. The request for reconsideration is denied as the</p>

		request for relief in the form of money damages are noncore to the extent they entail prepetition breaches, and even if partly post petition, they require an adversary proceeding. cc: debtor, C. Conde, F. Van Derdys, UST [Entered: 07/12/01], [CRL] REPLY filed by debtor to PRTC'S motion in limine and request for reconsideration of bench order of 06/04/01[Re dkt #306] Re: Item # 306 [Disposed], [CHG], ORIGINAL NIBS DOCKET ENTRY #310 (Entered: 06/20/2001)
06/28/2001	<u>314</u>	MOTION submitting legible copy filed by debtor of letter to Mr. Quinones dated 12/7/94 , [CHG], ORIGINAL NIBS DOCKET ENTRY #311 (Entered: 06/29/2001)
07/02/2001	<u>315</u>	MOTION by The Puerto Rico Telephone Company & Celulares Telefonica, Inc. for brief enlargement of time until 07/12/01 to oppose debtor's request for reconsideration. Re: Item # 313 [Entered: 07/03/01], [CBF] ORDER dated 07/06/01: Granted. CC: debtor, C. Conde, UST, R. Casellas, F. Van Derbys, f/up Re: Item # 315, [CBF], ORIGINAL NIBS DOCKET ENTRY #312 (Entered: 07/09/2001)
07/05/2001	<u>316</u>	DEBTOR'S motion to include complete specific portions of deposition & that it be admitted jointly with the portions previously submitted by PRTC. Re: Item # 303, [CBF], ORIGINAL NIBS DOCKET ENTRY #313 (Entered: 07/06/2001)
07/06/2001	<u>317</u>	OPERATING report for the month of May, 2001 [BUSINESS] , [CRL], ORIGINAL NIBS DOCKET ENTRY #314 (Entered: 07/09/2001)
07/12/2001	<u>319</u>	OPPOSITION to motion for reconsideration of order disallowing debtor's claim for monetary relief, filed by the Puerto Rico Telephone Co and Celulares Telefonica, Inc. Re: Item # 313, [CRL], ORIGINAL NIBS DOCKET ENTRY #316 (Entered: 07/13/2001)
07/12/2001	<u>321</u>	NOTICE to creditors and parties in interest filed by Mellado & Mellado- Re: Application for compensation Re: Item # 318, [CHG], ORIGINAL NIBS DOCKET ENTRY #318 (Entered: 07/16/2001)
07/13/2001	<u>320</u>	CERTIFICATE of service Re: Item # 315, [VAP], ORIGINAL NIBS DOCKET ENTRY #317 (Entered: 07/13/2001)
07/19/2001	<u>323</u>	CERTIFICATE of service Re: Item # 310, [VAP], ORIGINAL NIBS DOCKET ENTRY #320 (Entered: 07/19/2001)
07/19/2001	<u>324</u>	CERTIFICATE of service Re: Item # 313, [VAP], ORIGINAL NIBS DOCKET ENTRY #321 (Entered: 07/19/2001)

07/19/2001	<u>325</u>	CERTIFICATE of service Re: Item # 312, [VAP], ORIGINAL NIBS DOCKET ENTRY #322 (Entered: 07/19/2001)
07/23/2001	<u>322</u>	ORDER dated 07/19/01 GRANTED. cc: Ricardo Casellas, Carmen Conde, UST, debtor [Entered: 07/23/01], [CHG] MOTION for Extension of Time filed by PRTC requesting [until 8/6/01] to serve it's demonstrative evidence and until 09/04/01 for both parties to file findings of fact and conclusion of law Re: Item # 309 [Disposed], [CHG], ORIGINAL NIBS DOCKET ENTRY #319 (Entered: 07/18/2001)
07/23/2001	<u>326</u>	NOTED. [Entered: 07/23/01], [CHG] MOTION filed by debtor to clarify the record in relation to the motion filed by PRTC and the deadline for filing the findings of facts and conclusion of law be scheduled for a date after September 4, 2001 Re: Item # 322 [Disposed], [CHG], ORIGINAL NIBS DOCKET ENTRY #323 (Entered: 07/23/2001)
07/26/2001	<u>327</u>	NOTICE filed by PRTC to inform that they will comply with the order of 07/12/01 in relation with the testimony of Carlos Baralt by filing their position as directed within the 15days of notice by July 30, 2001. Re: Item # 312, [CHG], ORIGINAL NIBS DOCKET ENTRY #324 (Entered: 07/27/2001)
07/27/2001	<u>328</u>	CERTIFICATE of service Re: Item # 322, [VAP], ORIGINAL NIBS DOCKET ENTRY #325 (Entered: 07/27/2001)
07/30/2001	<u>329</u>	MOTION filed by PRTC & Celulares Telefonica in compliance with order and designation of additional testifying witnesses Re: Item # 312, [CHG], ORIGINAL NIBS DOCKET ENTRY #326 (Entered: 07/31/2001)
08/06/2001	<u>330</u>	SEE DOCKET ENTRY #338 [Entered: 10/10/01], [LMR] MOTION filed by attorney Carmen D. Conde requesting withdrawal of legal representation of debtor [Disposed], [CHG], ORIGINAL NIBS DOCKET ENTRY #327 (Entered: 08/07/2001)
08/07/2001	<u>331</u>	APPLICATION for allowance of compensation and expenses filed by C. Conde & Associates in the amount of \$27,893.50 plus \$483.52 in expenses [total amount \$28,377.02] [Disposed], [CHG], ORIGINAL NIBS DOCKET ENTRY #328 (Entered: 08/08/2001)
08/07/2001	<u>332</u>	NOTICE to creditors and parties in interest filed by C. Conde & Assoc. Re- Application for compensation Re: Item # 331, [CHG], ORIGINAL NIBS DOCKET ENTRY #329 (Entered: 08/08/2001)
08/08/2001	<u>333</u>	MOTION filed by debtor in opposition to PRTC's motion in

		compliance with order and designation of additional testifying witnesses and requesting that the list of witnesses be limited to those listed in the pretrial report as it was filed on 06/04/01 and to grant the debt or an extension of time for filing the findings of facts and conclusions of law after 09/14/01 Re: Item # 329, [CHG], ORIGINAL NIBS DOCKET ENTRY #330 (Entered: 08/09/2001)
08/17/2001	<u>334</u>	ORDER dated 08/23/01 GRANTED. cc: Ricardo Casellas, Carmen Conde, UST, debtor, f/up [Entered: 08/29/01], [CHG] MOTION filed by PR Telephone Co. for leave to reply [w/in 10 days] to debtor's opposition to motion in compliance with order and designation of additional witnessess Re: Item # 333 [Disposed], [CHG], ORIGINAL NIBS DOCKET ENTRY #331 (Entered: 08/21/2001)
08/21/2001	<u>335</u>	OPERATING report for the month of June, 2001 filed by debtor , [CHG], ORIGINAL NIBS DOCKET ENTRY #332 (Entered: 08/22/2001)
09/04/2001	<u>336</u>	CERTIFICATE of service Re: Item # 334, [VAP], ORIGINAL NIBS DOCKET ENTRY #333 (Entered: 09/04/2001)
09/04/2001	<u>338</u>	MOTION filed by PR Telephone Co. [Renewed motion] for leave to reply [w/in 10 days] to debtor's opposition to additional witnesses [Re#330] Re: Item # 334 [Entered: 09/06/01], [CHG] ORDER dated 09/10/01 MOOT. See order dated 08/23/01 [dkt#331]. cc: Carmen Conde, Ricardo Casellas, UST, debtor Re: Item # 338, [CHG], ORIGINAL NIBS DOCKET ENTRY #335 (Entered: 09/19/2001)
09/05/2001	<u>337</u>	ORDER dated 09/05/01: The seventh application for compensation filed by C. Conde & Assoc. in the amount of \$28,377.02 including expenses is hereby granted. cc: C. Conde, UST, debtor, Finance Re: Item # 331, [CHG], ORIGINAL NIBS DOCKET ENTRY #334 (Entered: 09/05/2001)
09/10/2001	<u>339</u>	CERTIFICATE of service Re: Item # 337, [VAP], ORIGINAL NIBS DOCKET ENTRY #336 (Entered: 09/10/2001)
09/24/2001	<u>340</u>	CERTIFICATE of service Re: Item # 338, [VAP], ORIGINAL NIBS DOCKET ENTRY #337 (Entered: 09/24/2001)
10/03/2001	<u>341</u>	ORDER dated 10/5/01: Granted. cc: debtor, C.Conde, UST [Entered: 10/10/01], [LMR] MOTION filed by attorney Carmen Conde requesting to withdraw the motion filed on 08/06/01 in which she was requesting to withdraw as debtor's attorney Re: Item # 330 [Disposed], [CHG], ORIGINAL NIBS DOCKET ENTRY #338 (Entered: 10/04/2001)

10/03/2001	<u>342</u>	OPERATING report for the month of July, 2001 filed by debtor , [CHG], ORIGINAL NIBS DOCKET ENTRY #339 (Entered: 10/04/2001)
10/03/2001	<u>343</u>	OPERATING report for the month of August, 2001 filed by debtor , [CHG], ORIGINAL NIBS DOCKET ENTRY #340 (Entered: 10/04/2001)
10/05/2001	<u>344</u>	Re- Dkt#326 [Entered: 10/11/01], [CHG] ORDER dated 10/18/01 GRANTED. cc: Carmen D. Conde, Ricardo Casellas, debtor, UST MOTION filed by debtor requesting that order be entered on Debtor's Opposition to New Witnesses Re: Item # 344, [CHG], ORIGINAL NIBS DOCKET ENTRY #341 (Entered: 10/22/2001)
10/10/2001	<u>318</u>	ORDER dated 10/5/01: Granted. cc: debtor, C.Conde, UST, Finance [Entered: 10/10/01], [LMR] APPLICATION for allowance of compensation and expenses filed by Mellado & Mellado-Villareal in the amount of \$119,232.50 in professional fees and \$5,367.79 in costs and expenses. [Disposed], [CRL], ORIGINAL NIBS DOCKET ENTRY #315 (Entered: 07/13/2001)
10/15/2001	<u>345</u>	CERTIFICATE of service Re: Item # 318, [VAP], ORIGINAL NIBS DOCKET ENTRY #342 (Entered: 10/15/2001)
10/15/2001	<u>346</u>	CERTIFICATE of service Re: Item # 341, [VAP], ORIGINAL NIBS DOCKET ENTRY #343 (Entered: 10/15/2001)
10/29/2001	<u>347</u>	CERTIFICATE of service Re: Item # 344, [VAP], ORIGINAL NIBS DOCKET ENTRY #344 (Entered: 10/29/2001)
11/01/2001	<u>348</u>	MOTION filed by PR Telephone Co. requesting reconsideration of order granting debtor's motion in opposition to new witnesses Re: Item # 344, [CHG], ORIGINAL NIBS DOCKET ENTRY #345 (Entered: 11/02/2001)
11/06/2001	<u>349</u>	MOTION filed by debtor in opposition to the motion for reconsideration filed by PRTC Re: Item # 348, [CHG], ORIGINAL NIBS DOCKET ENTRY #346 (Entered: 11/08/2001)
11/06/2001	<u>350</u>	CERTIFICATE of service re- Subpoena served to Pablo Rivera , [CHG], ORIGINAL NIBS DOCKET ENTRY #347 (Entered: 11/08/2001)
11/09/2001	<u>351</u>	MOTION by The Puerto Rico Telephone Company & Celulares Telefonica in compliance with order submitting proposed opinion and

		order on contested matter. Re: Item # 309, [CBF], ORIGINAL NIBS DOCKET ENTRY #348 (Entered: 11/13/2001)
11/09/2001	<u>352</u>	ADVANCED Cellular Systems Inc & Advanced Paging Systems Inc's motion submitting finding of facts and memorandum of law [exhibits attached]., [CBF], ORIGINAL NIBS DOCKET ENTRY #349 (Entered: 11/13/2001)
11/09/2001	<u>353</u>	ADVANCED Cellular Systems Inc. & Advanced Paging Systems Inc's memorandum of law dated 11/09/01. , [CBF], ORIGINAL NIBS DOCKET ENTRY #350 (Entered: 11/13/2001)
11/13/2001	<u>354</u>	MINUTES of proceedings -Re: Trial on debtor's objection to claim #18 filed by PRTC- Exhibits in separate file. Hearing is continued to 11/14/01 at 9:00 AM Re: Item # 136, [CHG], ORIGINAL NIBS DOCKET ENTRY #351 (Entered: 11/21/2001)
11/13/2001	<u>355</u>	MINUTES of proceedings -Re: Trial on debtor's objection to claim #18 filed by PRTC- Exhibits in separate file. Hearing continued to 11/15/01 at 9:00 AM Re: Item # 136, [CHG], ORIGINAL NIBS DOCKET ENTRY #352 (Entered: 11/21/2001)
11/13/2001	<u>356</u>	MINUTES of proceedings -Re: Trial on debtor's objection to claim #18 filed by PRTC- Exhibits in separate file. Hearing continued to 11/16/01 at 9:00 AM Re: Item # 136, [CHG], ORIGINAL NIBS DOCKET ENTRY #353 (Entered: 11/21/2001)
11/13/2001	<u>357</u>	MINUTES of proceedings -Trial on debtor's objection to claim #18 filed by PRTC: Puerto Rico Telephone Co. was granted 10days to file the reply to the audit report [exhibit F-1]. If the reply is filed it will be marked as exhibit F-2. Matter was taken under advisement. Re: Item # 136, [CHG], ORIGINAL NIBS DOCKET ENTRY #354 (Entered: 11/21/2001)
11/20/2001	<u>358</u>	MOTION filed by PRTC/Celulares Telefonica requesting service of orders to the following address: Fiddler, Gonzalez & Rodriguez, 254 Munoz Rivera Ave BBV Tower 8th Floor Suite 815 Hato Rey, PR 00918 , [CHG], ORIGINAL NIBS DOCKET ENTRY #355 (Entered: 11/21/2001)
11/28/2001	<u>359</u>	MOTION filed by attorney Carmen D. Conde to inform that during the period of 12/25/01 to 01/04/02 the offices will remain closed due to Christmas holidays. , [CHG], ORIGINAL NIBS DOCKET ENTRY #356 (Entered: 11/29/2001)
12/04/2001	<u>360</u>	MOTION filed by The PR Telephone Co./Celulares Telefonica to submit response to the comptroller's office audit report Re: Item #

		357, [CHG], ORIGINAL NIBS DOCKET ENTRY #357 (Entered: 12/05/2001)
12/05/2001	<u>361</u>	OPERATING report for the month of September, 2001 filed by debtor , [CHG], ORIGINAL NIBS DOCKET ENTRY #358 (Entered: 12/06/2001)
12/05/2001	<u>362</u>	OPERATING report for the month of October, 2001 filed by debtor , [CHG], ORIGINAL NIBS DOCKET ENTRY #359 (Entered: 12/06/2001)
02/13/2002	<u>363</u>	OPERATING report for the month of November, 2001 , [CHG], ORIGINAL NIBS DOCKET ENTRY #360 (Entered: 02/14/2002)
02/13/2002	<u>364</u>	OPERATING report for the month of December, 2001 , [CHG], ORIGINAL NIBS DOCKET ENTRY #361 (Entered: 02/14/2002)
03/12/2002	<u>365</u>	<p>OPINION & ORDER dated 03/08/02: The above captioned cases came before the court for an evidentiary hearing to consider debtor's objection to the allowance of the proof of claim filed by the Puerto Rico Telephone Company and Celulares Telefonica, Inc. [PRTC]. PRTC filed p roof of claim number 18 in the amount of \$1,655,391.96 as an unsecured non priority claim. PRTC claims that debtors owe the amounts specified in the proof of claim for services rendered in accordance with the written agreement between the parties. PRTC co ntends that is applied the tariffs that were valid and correct for each period in question and that it was under no contractual obligation to dedust claims for the fraudulent use of lines. The debtors contend that the amounts are not owed and that, to the contrary, PRTC owes them \$2,646,319.56. The court limited the contested matter to the objection to the proof of claim and denied without prejudice evidence on debtors' claim against PRTC. Debtors' objection to the proof of claim rests on the following gr ounds: 1. PRTC's failure to provide adequate maintenance of its system and failure to establish adequate controls led to fraudulent use of cellular lines which resulted in failure to credit the amount of \$1,334,204.00 in fraud claims; 2. PRTC did not cred it \$333,674.00 paid by the debtors; 3. PRTC overbilled debtors for air time usage during 1993 and a996 to 1998 by improper air time rounding in the amount of \$300,062.95; and 4. PRTC retained the billing tapes from April to July 1998, for an amount of \$55 , 537.00, preventing debtors from billing their clients. Advanced Celular System [ACS] alleges that since the sum total of the above credits exceeds the claim by PRTC, no amounts are owed...CONCLUSION: In view of the foregoing, the court hereby concludes that the following amounts should be deducted from the proof of claim filed by the PRTC: 1. Fraud claims in the amount of \$1,334,204.62 2. Payments not credited in the amount of \$353,674.82 3. Incorrect rounding of air time usage in the</p>

		amount of \$300,062.95 4. Billing tapes withheld after disconnection of service in the amount of \$55,537.27 Since the amount to be credited total \$2,043,480.27 and exceed the amount of the proof of claim, that is, \$1,655,391.96 the court finds and concludes that the proof of claim filed by the PRTC should be disallowed in its entirety. The Clerk shall enter judgment accordingly. CC: debtor, C. Conde, UST, Fiddler Gonzalez & Rodriguez-R. Cassellas, claims registry REFER TO THE OPINION AND ORDER FOR MORE DETAIL Re: Item # 136, [CBF], ORIGINAL NIBS DOCKET ENTRY #362 (Entered: 03/12/2002)
03/18/2002	<u>366</u>	CERTIFICATE of service Re: Item # 365, [VAP], ORIGINAL NIBS DOCKET ENTRY #363 (Entered: 03/18/2002)
03/18/2002	<u>367</u>	CERTIFICATE of service Re: Item # 365, [VAP], ORIGINAL NIBS DOCKET ENTRY #364 (Entered: 03/18/2002)
03/19/2002	<u>368</u>	JUDGMENT dated 03/18/02: Upon the Opinion and Order entered on 03/12/02 [#362], it is now adjudged & decreed that judgment be and it is hereby entered finding that the following amounts should be deducted from the proof of claim filed by the PRTC: 1. Fraud claims in the amount of \$1,334,204.62, 2. Payments not credited in the amount of \$353,674.82, 3. Incorrect rounding of air time usage in the amount of \$300,062.95, 4. Billing tapes withheld after disconnection of services in the amount of \$55,537.27 and it is further adjudged and decreed that since the amounts to be credited total \$2,043,480.27, & exceed the amount of the proof of claim, this is \$1,655,391.95, the court finds and concludes that the proof of claim filed by the PRTC should be disallowed in its entirety. SO ORDERED. CC: debtor, C. Conde, UST, Fiddler Gonzalez & Rodriguez, R. Cassellas Re: Item # 136, [CBF], ORIGINAL NIBS DOCKET ENTRY #365 (Entered: 03/19/2002)
03/20/2002	<u>369</u>	OPERATING report for the month of January, 2002, [CHG], ORIGINAL NIBS DOCKET ENTRY #366 (Entered: 03/21/2002)
03/20/2002	<u>370</u>	OPERATING report for the month of February, 2002, [CHG], ORIGINAL NIBS DOCKET ENTRY #367 (Entered: 03/21/2002)
03/22/2002	<u>371</u>	CERTIFICATE of service Re: Item # 368, [VAP], ORIGINAL NIBS DOCKET ENTRY #368 (Entered: 03/22/2002)
04/01/2002	<u>372</u>	NOTICE OF APPEAL FILED BY PR Telephone Co. & Celulares Telefonica- Re: Opinion and Order [dkt#362] and Judgment entered on 03/19/02 [dkt#365] Re: Item # 365, [CHG], ORIGINAL NIBS DOCKET ENTRY #369 (Entered: 04/02/2002)
04/01/2002	<u>373</u>	ELECTION for appeal to be heard by District Court Re: Item # 372,